

**NITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE ENERGY, LLC, a
Delaware limited liability company,

Plaintiff

v.

VICTORY ENERGY OPERATIONS, LLC, a
Delaware limited liability company,

Defendant.

CIVIL ACTION

No. 04-CV-325E

Judge Sean J. McLaughlin

AFFIDAVIT OF MARK J. WHITE

I, Mark J. White, being duly sworn on oath, depose and state in support of Victory Energy Operations LLC's Opposition to Indeck Keystone Energy LLC's Motion to Compel and for Protective Order:

1. I have been the General Manager at Victory Energy Operations, LLC ("VEO"), since August 2003.
2. I have personal knowledge of the matters contained in this affidavit.
3. IKE claims that VEO has not manufactured or sold the products identified in the CPE documents. This is factually erroneous. The documents produced by VEO to date establish categorically that VEO manufactured and sold Keystone boilers between 29,000 and 150,000 pounds per hour of steam. The CPE documents reveal several requests for proposal for Keystone boilers in that range.
4. Several documents discuss the River Hill Power Company/Waste Coal Fired Power Generator, and a coal fired boiler to operate behind fluidized bed combustion and a No.2 oil (65 MMBtu/hr) fired auxiliary boiler. Victory has two fluidized bed coal fired boilers in

operation with two others in production. The auxiliary boiler is approximately 55,000 pph which falls within the license agreement that VEO had the exclusive right to offer.

5. In one document, dated 7/7/05, Dave Briggs issued a quotation for stoker parts. Victory can offer stoker parts for Zurn Travagrate stokers by purchase and resale from Detroit Stoker. After Zurn's patents expired, Detroit began to offer replacement parts for the Travagrate stokers.

6. In a David Briggs Email of 7/7/05 and a Rita Pippen Email of 3/10/05, there are references to replacement of boiler tubes. Victory routinely sells replacement tubes for existing boilers.

7. A Gary Blazek email dated 10/4/05 discusses municipal solid waste boilers. Victory has provided three municipal solid waste fired boilers.

8. A Phil Meehan email dated 5/4/05 identifies hoppers. Victory has provided hoppers for several coal fired units.

9. Documents and email from Alan Christian and Phil Meehan discuss replacing economizer elements. Victory has and continues to provide replacement elements (tubes) for economizers.

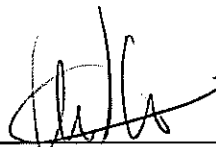
10. There are several documents regarding Vortex Separators and Chevron Nests that CPE purchased from IKE. VEO can offer drum internal equipment from ACS Separation & Mass-Transfer Products for retrofit into existing Zurn boilers as well as competitor's equipment to include IKE.

11. An email from Phil Meehan identifies economizer assemblies. Victory has provided over 100 economizer assemblies for our various customers.

12. In the letter from Mr. Liebel to Mr. Williams, Mr. Liebel requests a breakdown of actual shop manhours by operation. VEO has provided a breakdown of the manhours by project. VEO does not maintain any other type of record relative to the hours spent or the direct labor costs for a given project or operation.

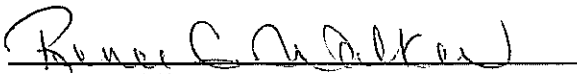
13. VEO does not maintain in its accounting system a record or breakdown of the profits VEO earned, or the losses VEO incurred, or a job by job basis.

Further affiant sayeth not.



Mark J. White

SUBSCRIBED AND SWORN TO
before me this 18 day of October, 2006.



Notary Public

